

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

STERLING MERCHANDISING, INC.,)	Case No. C 08-80108 SBA (JCS)
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER MODIFYING MAY 19, 2008
v.)	<u>ORDER</u>
)	
DREYER'S GRAND ICE CREAM, INC.)	
)	
Defendant.)	
)	
)	

WHEREAS, on May 13, 2008, Sterling Merchandising, Inc. filed a Motion to Compel Dreyer's Grand Ice Cream, Inc. Compliance with Subpoena *Duces Tecum*;

WHEREAS, on May 19, 2008, the Court issued an order requiring lead trial counsel to meet and confer in person by May 27, 2008 and if matters at issue in the Motion remain unresolved, to submit a detailed Joint Letter by May 30, 2008;

WHEREAS, the foregoing schedule is highly burdensome in view of the following circumstances that may not have been apparent:

1 C. ~~Lead trial counsel are permitted to meet and confer via telephone conference call.~~
2 /s/JCS

Respectfully Submitted,

3 DATED: May 22, 2008

For Plaintiff Sterling Merchandising, Inc.:

4 /s/ Craig C. Corbitt

5 Craig C. Corbitt (83251)
6 Qianwei Fu (242669)
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17 DATED: May 22, 2008

For Defendant Dreyer's Grand Ice Cream, Inc.:

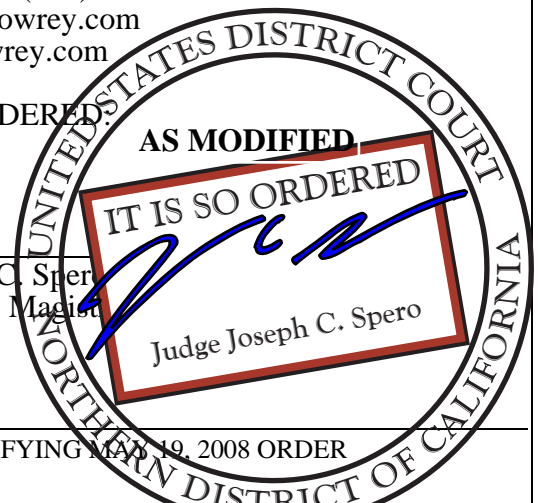
18 /s/ Erik Koons (with permission)

19 Carmine R. Zarlenga
20 Erik T. Koons
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26 zarlengac@howrey.com
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IT IS SO ORDERED

25 DATED: May 23, 2008

26 Hon. Joseph C. Spero
27 United States Magistrate



PROOF OF SERVICE

Re: STERLING MERCHANDISING, INC., v. DREYER'S GRAND ICE CREAM, INC.
Case No. 08-80108 SBA (JCS)

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Zelle, Hofmann, Voelbel, Mason & Gette LLP, 44 Montgomery Street, Suite 3400, San Francisco, CA 94104.

On May 22, 2008, I served the within document(s) described as:

1. STIPULATION AND [PROPOSED] ORDER MODIFYING MAY 19, 2008 ORDER
on the interested parties to this action as follows:

Carmine Zarlenga	zarlengac@howrey.com
Erik Koons	koonse@howrey.com
Seth Erbe	seth.erbe@indianowilliams.com
Luis Oliver	loliver@fgrlaw.com

☒ (BY ELECTRONIC MAIL) I caused such document(s) to be emailed to the offices and/or to attorneys of offices of the above named addressee(s).

Executed on May 22, 2008, at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

/s/Monica J. Steele
Monica J. Steele